



Notice of Service of Process

null / ALL
Transmittal Number: 23398374
Date Processed: 06/25/2021

Primary Contact: Tanya Flores
Midland Credit Management, Inc.
350 Camino de La Reina
Ste 100
San Diego, CA 92108-3007

Electronic copy provided to: Krista Yerby

Entity:	Midland Credit Management, Inc Entity ID Number 1682419
Entity Served:	Midland Credit Management, Inc.
Title of Action:	Beth Snedeker vs. Midland Credit Management, Inc
Matter Name/ID:	Beth Snedeker vs. Midland Credit Management, Inc (11346797)
Document(s) Type:	Notice and Complaint
Nature of Action:	Violation of State/Federal Act
Court/Agency:	Allegheny County Court of Common Pleas, PA
Case/Reference No:	AR-21-2635
Jurisdiction Served:	Delaware
Date Served on CSC:	06/23/2021
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Certified Mail
Sender Information:	Emily S. Gomez-Hayes 412-378-5854

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To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com



The Law Office of Emily Gomez, LLC

2011 Noble Street
Suite 201
Pittsburgh, PA 15218

Tel: (412) 378-5854
Fax: (412) 357-1564
Email: esg@egomezlaw.com

June 21, 2021

Midland Credit Management, Inc.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808


Re: Snedeker v. Midland Credit Management, Inc., AR-21-002635

Dear Sir or Madam,

Pursuant to Pa.R.C.P. 403, please find enclosed a copy of the Plaintiff's Complaint filed on June 21, 2021 in the Court of Common Pleas of Allegheny County, Pennsylvania. The above-captioned matter is currently scheduled for an arbitration hearing in Pittsburgh on October 18, 2021 in Room 702 of the City-County Building, which is located at 414 Grant Street, Pittsburgh PA 15219. Service of this Complaint is effective upon receipt.

If you have any questions or concerns, please don't hesitate to contact me. I can be reached at (412) 378-5854, or by email at esg@egomezlaw.com.

Sincerely Yours,


Emily S. Gomez-Hayes, Esq.

Allegheny County Court of Common Pleas Event Notification: AR-21-002635

From: webmaster.pro@county.allegheny.pa.us <WEBMASTER.PRO@COUNTY.ALLEGHENY.PA.US>

To: Emily Gomez <ESG@EGOMEZLAW.COM>

CC: promail@county.allegheny.pa.us <promail@county.allegheny.pa.us>

Date: Monday, June 21st, 2021 at 10:38 AM

A Arbitration Hearing has been scheduled for
AR-21-002635 - Snedeker vs Midland Credit Management Inc.
at Room 702, City-County Building on 10/18/2021 at 9:00

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

BETH SNEDEKER,

CIVIL DIVISION

Plaintiff,

CASE NO. AR-21- 2635

vs.

MIDLAND CREDIT MANAGEMENT,
INC.,

COMPLAINT

Defendants

Filed on Behalf of Plaintiff,
Beth Snedeker

Counsel of Record for this Party:

EMILY S. GOMEZ-HAYES, ESQ.
PA I.D.# 206926

LAW OFFICE OF EMILY GOMEZ, LLC
2011 Noble Street, Suite 201
Pittsburgh, PA 15218
Tel: 412-378-5854
Fax: 412-357-1564
esg@egomezlaw.com

Jury Trial Demanded Upon
Removal or Appeal

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

BETH SNEDEKER,

Plaintiff,

vs.

MIDLAND CREDIT MANAGEMENT,
INC.,

Defendants.

CIVIL DIVISION

CASE NO. AR-21- 2635

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within TWENTY (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSON AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
The Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219
Telephone: (412) 261-5555

HEARING NOTICE

YOU HAVE BEEN SUED IN COURT. The above Notice to Defendant explains what you must do to dispute the claims made against you. If you file the written response referred to in the Notice to Defendant, a hearing before a board of arbitrators will take place in the Compulsory Arbitration Center. Report to the Arbitration Assembly Room, Courtroom Two, Seventh Floor City-County Building, 416 Grant Street, Pittsburgh, Pennsylvania 15219, on _____, _____ at 9:00 a.m. **IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.**

BY THE COURT:

_____, A.J.

DUTY TO APPEAR AT ARBITRATION HEARING

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

NOTICE: You must respond to this complaint within twenty (20) days or a judgment for the amount claimed may be entered against you before the hearing.

If one or more of the parties is not present at the hearing, the matter may be heard immediately before a judge without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

BETH SNEDEKER,

Plaintiff,

vs.

MIDLAND CREDIT MANAGEMENT,
INC.,

Defendant.

CIVIL DIVISION

CASE NO. AR-21- 2635

COMPLAINT

AND NOW comes the Plaintiff, Beth Snedeker, by and through her attorneys, Emily Gomez-Hayes and the Law Office of Emily Gomez LLC, and makes the following Complaint, asserting violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et. seq.* (“FDCPA”). In support thereof, she states as follows:

PARTIES

1. Plaintiff Beth Snedeker (“Plaintiff”), is a natural person and resident of Beaver County, Pennsylvania. Ms. Snedeker is a “consumer” as defined by § 1692a(3) of the FDCPA. Prior to 2021, Plaintiff allegedly incurred a financial obligation primarily for personal, family, or household purposes – a “debt” as defined by § 1692a(5) of the FDCPA.

2. Defendant Midland Credit Management, Inc. (“MCM” or “Defendant”) is a Kansas corporation with a principal place of business in San Diego, CA. MCM’s primary business is the collection of charged-off consumer debt on behalf of original creditors and debt purchasers.

3. In the ordinary course of business, MCM utilizes the mails and telephone in an effort to collect charged-off debt from consumers in Allegheny County, Pennsylvania. Defendant is a “debt collector” as defined by § 1692(a)(6) of the FDCPA.

FACTUAL ALLEGATIONS

4. On or about February 24, 2021, Defendant caused a letter (the “February Letter”) to be sent to Attorney Gregory Artim of Artim Law, LLC on behalf of Plaintiff. Exhibit A.

5. The February Letter advised Attorney Artim that Defendant believed its records with respect to a Credit Account ending in 8490 were accurate. Id.

6. The February Letter also attached a year’s worth of credit card statements bearing Plaintiff’s name in support of its assertions.

7. Attorney Artim had no idea what Defendant was talking about.

8. With an alleged balance of \$4,760.00 purportedly due and owing, the Credit Account ending in 8490 pertained to a former credit account of Plaintiff’s, which had been a Wal-Mart branded store credit card originated by Synchrony Bank. Id.

9. While Attorney Artim had recently represented Plaintiff in an unrelated legal dispute with MCM, the account at issue in that matter had an alleged balance of \$2,846.11, and did not pertain to a Wal-Mart credit card. Exhibit B.

10. At no time did Attorney Artim represent Plaintiff with respect to the Credit Account ending in 8490.

11. With respect to the Credit Account ending in 8490, Attorney Artim was a third party and perfect stranger.

12. As a result, Attorney Artim did not have Plaintiff’s permission to view the private financial information contained in the February Letter.

13. Following his receipt of the February Letter, Attorney Artim informed Plaintiff that he had received unsolicited, private financial information of hers in connection with a credit account that she had not retained him to handle.

14. Upon receiving the February Letter, Plaintiff became extremely upset and anxious, and worried that the security of any financial information of hers in MCM's possession was at risk.

15. Plaintiff was also embarrassed, inasmuch as the year's worth of statements showed the exact days and times she went to certain Wal-Mart stores and made purchases.

16. As a direct and proximate result of Defendant's conduct, Plaintiff has experienced significantly increased anxiety, which has made it difficult to concentrate at work.

17. As a direct and proximate result of Defendant's conduct, Plaintiff has suffered from anxiety, embarrassment, stress, and lost sleep.

Count I – FDCPA

18. The preceding paragraphs are incorporated herein by reference.

19. The foregoing acts and omissions of Defendant constituted (1) improper communication to third parties, and (2) unfair practices in violation of 15 U.S.C. §§ 1692c and 1692f of the FDCPA.

Communication with Third Parties: § 1692c

20. In relevant part, § 1692c(b) requires that, inter alia:

“[w]ithout the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy, a debt collector may not communicate, in connection with the collection of a debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.”

15 U.S.C. § 1692c(b).

21. In the instant matter, Defendant's actions violated § 1692c(b) because it disseminated private financial information of Plaintiff to a third party without Plaintiff's consent.

22. While § 1692c(b) provides for communications to a consumer's attorney, Plaintiff had no attorney with respect to the Credit Account ending in 8490.

23. Defendant's sending of the February Letter to Attorney Artim therefore violated § 1692c(b).

24. As a result of Defendant's actions, Plaintiff has suffered such harm as has previously been stated herein.

Unfair or Unconscionable Means: § 1692f

25. In relevant part, § 1692f prohibits debt collectors from engaging in any:

“[u]nfair or unconscionable means to collect or attempt to collect a debt.”

15 U.S.C. § 1692f.

26. Black's Law Dictionary defines unconscionable as:

“[S]howing no regard for conscience; affronting the sense of sense of justice, decency, or reasonableness.”

Black's Law Dictionary, 2nd Pocket Ed. 2001.

27. In the instant matter Defendant's actions constituted unconscionable conduct in violation of § 1692f, because disclosing a person's private financial information to third parties without consent offends any objective person's sense of justice, decency, and reasonableness.

28. As a result of Defendant's actions, Plaintiff has suffered such harm as has previously been stated herein.

29. Due to the foregoing violations of 15 U.S.C. §§ 1692c and 1692f, Plaintiff is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount of up to \$1000.00 pursuant to § 1692k(a)(2)(A); and reasonable attorneys' fees and costs pursuant to § 1692k(a)(3).

Count II – FCEUA

30. The preceding paragraphs are incorporated herein by reference.

31. The foregoing acts and omissions of Defendant MCM constituted violations of 73 P.S. § 2270.4(a) of the FCEUA, based on Defendant’s violations of 15 U.S.C. §§ 1692c and 1692f of the FDCPA.

32. Violations of the FCEUA in turn constitute per se violations of the Unfair Trade Practices and Consumer Protection Law (“UTPCPL”), pursuant to 73 P.S. § 2270.5(a).

33. As a result of these violations, Plaintiff is entitled to up to three times her damages, costs, and attorneys’ fees pursuant to 73 P.S. § 201-9.2 of the UTPCPL.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Beth Snedeker respectfully requests that this Court:

- A. Declare that the Defendant’s actions violated the FDCPA and the FCEUA;
- B. Enter judgment in favor of Plaintiff for actual and statutory damages, costs, and reasonable attorneys’ fees as provided by § 1692k of the FDCPA and § 201-9.2 of the UTPCPL; and
- C. Grant any further relief as deemed just.

JURY DEMAND

Plaintiff demands a trial by jury upon removal or appeal.

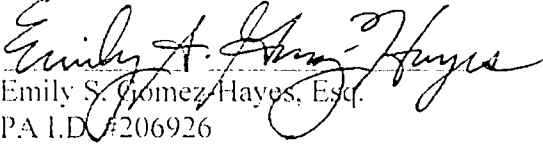
ARBITRATION LIMITS

This matter is filed within the court’s Arbitration Limits.

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Respectfully submitted,

LAW OFFICE OF EMILY GOMEZ, LLC



Emily S. Gomez-Hayes, Esq.

PA I.D.#206926

2011 Noble Street, Suite 201

Pittsburgh, PA 15218

Tel: 412-378-5854

Fax: 412-357-1564

esg@egomezlaw.com

Counsel for Plaintiff Beth Snedeker

VERIFICATION

I, Beth Snedeker, have read the foregoing Complaint, and affirm that the facts asserted therein are true and correct to the best of my knowledge, information, and belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

6/16/21
Date

Beth Snedeker
Beth Snedeker

EXHIBIT A

Midland
Credit
Management™350 Camino De La Reina
Suite 100
San Diego, CA 92108

877-382-6063

Mon-Fri: 8am - 7:30 pm ET

Original Creditor

SYNCHRONY BANK

WALMART

Original Account Number

xxxxxxxxxxxx8490

MCM Account Number

310153350

Current Owner

Midland Funding, LLC

Current Servicer

Midland Credit Management, Inc.

Current Balance

\$4,760.00

2/24/2021

Beth Snedeker
In care of Artim Law
1751 Lincoln Highway
N Versailles, PA 15137

007



Dear Beth,

We understand that you are disputing the accuracy of our records concerning this account. After reviewing the information you provided, our account notes, and information provided by the previous creditor we have concluded that our information is accurate. In addition, the information has been accurately submitted to credit reporting agencies or we have instructed the credit reporting agencies to update the previously reported status. Please note that it typically takes 30-45 days for the credit reporting agencies to update your account. We have also enclosed documents regarding the account. If you believe we have reached this conclusion in error, please reference the information below:

You have indicated that the following item(s) pertain to your account:	In order for us to further investigate your inquiry please provide the following documentation:
Accuracy of credit reporting	Written explanation and documentation demonstrating any errors in your credit reporting information

Please feel free to call us at 877-382-6063 if you have any additional questions.

Se habla español: 877-898-3955

Sincerely,

00000000

Tim Bolin

Consumer Support Services

01230000000060
0000 0000

PLEASE SEE REVERSE SIDE FOR IMPORTANT DISCLOSURE INFORMATION

DRL1

Please understand this is a communication from a debt collector. This is an attempt to collect a debt.
Any information obtained will be used for that purpose.

Calls to and/or from this company may be monitored or recorded.

Basic Information			
Original Creditor	SYNCHRONY BANK	MCM Account Number	310153350
Original Account Number	xxxxxxxxxxx8490	Charge-Off Date	1/21/2018
Current Creditor <i>The sole owner of this debt</i>	Midland Funding, LLC	Current Servicer	Midland Credit Management, Inc.
Important Contact Information			
Send Payments to: Midland Credit Management, Inc. PO Box 301030 Los Angeles, CA 90030-1030	Send disputes or an instrument tendered as full satisfaction of a debt to: Attn: Consumer Support Services 320 E Big Beaver Rd. Suite 300 Troy, MI 48083 You may also call: 877-382-6063	Physical Payments for Colorado Residents: Colorado Manager, Inc. 8690 Wolff Court, Suite 110 Westminster, CO 80031 Phone (303) 920-4763	

We are required under state law to notify consumers of the following additional rights. This list does not contain a complete list of the rights consumers have under applicable law:

NMLS ID: 934164

IF YOU LIVE IN MASSACHUSETTS, THIS APPLIES TO YOU: NOTICE OF IMPORTANT RIGHTS: You have the right to make a written or oral request that telephone calls regarding your debt not be made to you at your place of employment. Any such oral request will be valid for only ten (10) days unless you provide written confirmation of the request postmarked or delivered within seven (7) days of such request. You may terminate this request by writing to MCM.

IF YOU LIVE IN NORTH CAROLINA, THIS APPLIES TO YOU: North Carolina Department of Insurance Permit #101659, #4182, #4250, #3777, #111895, #112039, #113170, #113236 and #112678. Midland Credit Management, Inc. 350 Camino De La Reina, Suite 100, San Diego, CA, 92108

IF YOU LIVE IN TENNESSEE, THIS APPLIES TO YOU: This collection agency is licensed by the Collection Service Board of the Department of Commerce and Insurance.

DPRODA

By providing your telephone number below, you authorize MCM or its agents to contact you regarding your account at such number by any means, including calling, texting, using automated dialer systems and automatic telephone dialing systems, and using pre-recorded or artificial voice messages. By providing your e-mail address below, you agree to receive electronic mail communications from MCM or its agents regarding your account at such e-mail address and confirm that such e-mail address is not furnished or owned by your employer.

Street Address	<input type="text"/>		
City	<input type="text"/>	State	<input type="text"/> ZIP <input type="text"/>
Email	<input type="text"/>	Cell Phone	<input type="text"/>
Work Phone	<input type="text"/>	Home Phone	<input type="text"/>

EXHIBIT B

Magisterial District Judge 36-3-01**DOCKET**

Docket Number: MJ-36301-CV-0000156-2020

Civil Docket

MIDLAND CREDIT MANAGEMENT INC

v.

Beth Snedeker

Page 1 of 2

CASE INFORMATION

<u>Judge Assigned:</u>	Magisterial District Judge Dale F. Nicholson	<u>File Date:</u>	11/18/2020
<u>Claim Amount:</u>	\$2,846.11	<u>Case Status:</u>	Closed
<u>Judgment Amount:</u>		<u>County:</u>	Beaver

CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>			<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Start Time</u>	<u>Room</u>		<u>Status</u>
Civil Action Hearing	01/08/2021	9:45 am		Magisterial District Judge Dale F. Nicholson	Scheduled

CASE PARTICIPANTS

<u>Participant Type</u>	<u>Participant Name</u>	<u>Address</u>
Defendant	Snedeker, Beth	New Brighton, PA 15066
Plaintiff	Midland Credit Management Inc	Eatontown, NJ 07724

DISPOSITION SUMMARY

<u>Docket Number</u>	<u>Plaintiff</u>	<u>Defendant</u>	<u>Disposition</u>	<u>Disposition Date</u>
MJ-36301-CV-0000156-2020	Midland Credit Management Inc	Beth Snedeker	Judgment for Defendant	01/08/2021

ATTORNEY INFORMATION**Private**

Name: Gregory Thomas Artim, Esq.
Representing: Snedeker, Beth
Counsel Status: Active - Entry of Appearance
Supreme Court No.: 080886
Phone No.: 412-247-9270
Address: Artim Law
 1751 Lincoln Highway
 North Versailles, PA 15137
Entry of Appearance Filed Dt: 12/21/2020
Withdrawal of Entry of Appearance Filed Dt:

DOCKET ENTRY INFORMATION

<u>Filed Date</u>	<u>Entry</u>	<u>Filer</u>	<u>Applies To</u>
01/08/2021	Judgment for Defendant	Magisterial District Court 36-3-01	Beth Snedeker, Defendant
12/21/2020	Entry of Appearance Filed	Gregory Thomas Artim, Esq.	Beth Snedeker, Defendant
12/21/2020	Intent to Defend Filed	Beth Snedeker	Beth Snedeker, Defendant
11/18/2020	Civil Complaint Filed	Midland Credit Management Inc	

MDJS 1200

Printed: 06/16/2021 3:27 pm

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these docket sheets. You should verify that the information is accurate and current by personally consulting the official record reposing in the court wherein the record is maintained.

Magisterial District Judge 36-3-01

DOCKET

Docket Number: MJ-36301-CV-0000156-2020

Civil Docket

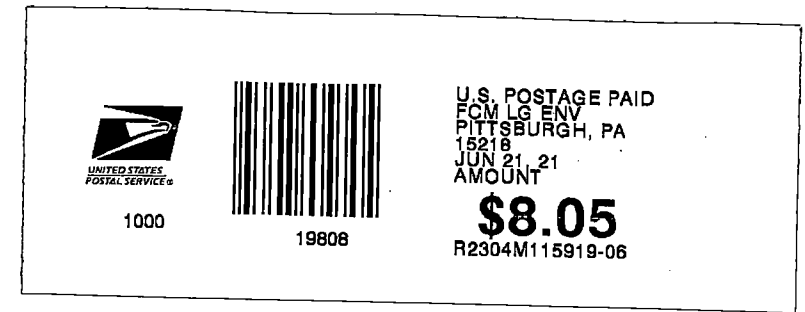
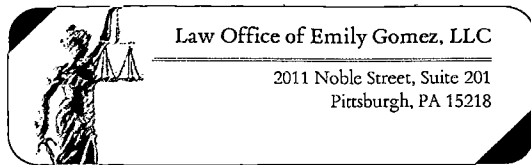


MIDLAND CREDIT MANAGEMENT INC

v.

Beth Snedeker

Page 2 of 2



Midland Credit Management, Inc.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808